

## REMARKS

### Status of the Claims

Claims 1, 3-6, 8, and 17-29 are pending.

Claims 1, 6, 22 and 27 are amended.

Claims 19-21 are allowed. Claims 3, 8, and 23 are “objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form...” See page 4 of the Office Action. The Advisory Action further indicates that with the exception of claims 27-29, the remaining claims would be allowable.

The above Amendment shows the changes made in comparison to the Amendment filed November 6, 2009. As discussed further below, it should be clear that the Amendment filed July 7, 2010 is incomplete. In other words, the attached claim set replaces the incomplete one previously filed.

### Advisory Action

Applicants received an Advisory Action indicating that the previously filed amendment “does not place the application in condition for allowance because the presented claim 27 is incomplete in that the structural formula has not been set forth.” See the Advisory Action.

When reviewing the previously submitted amendment as a whole, including the “status of the claims” section, it should be clear that the Response as reviewed by the Examiner was missing pages. Upon our review, it is believed to have been caused by an EFS-web error. This amendment is believed to contain a complete claim set.

If there are any remaining inconsistencies, the Examiner is respectfully urged to proactively call Applicant’s representative to expedite the allowance of this application.

#### Issues Under 35 U.S.C. § 103

Claims 1, 4-6, 17, 18, 22 and 24-29 are rejected under 35 U.S.C. § 103 as allegedly being obvious over Lopez-Berenstein et al. (US ‘167) in view of US Patent No. 4,902,789 to Michel et al. (US ‘789), or US Patent No. 4,308,375 to Tang (US ‘375). This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested. However, in view of the above amendment, this rejection is moot.

These references are discussed extensively in the Record, and Applicants respectfully maintain that there are many deficiencies when comparing these references to the present invention. For example, the primary reference, Lopez-Berenstein patent fails to even address amphotericin B purity. The first secondary reference, Michel et al., includes a purification method, but the one selected is a four-solvent method that does not remove other polyenes, etc. Finally, the second secondary reference, Tang, describes a process of decontamination, not purification. Thus, Applicants have maintained that the prior art of record does not accomplish

the present invention.

However, as stated above, claims 19-21 are allowed. Additionally, as stated above, the Advisory Action indicates that claims 1, 3-6, 8, and 17-24 would be allowable. The allowed (and allowable) claims include compositions that are at least 96% w/w of an amphotericin B compound. The present amendment includes similar language. Based on the disposition of the pending claims in the current Office Action, and based on previous discussions with the Examiner, it is believed that the above amendment places the application in condition for allowance.

Accordingly, withdrawal of the final, remaining rejection is believed to be in order and such action is earnestly requested.

#### Entry of the Amendment

Applicants submit that this amendment presents no new issues that would require further searching or that raised new issues for the Examiner to consider. Additionally, the Amendment places all the claims in condition for allowance. The Examiner has already indicated that claims 1, 3-6, and 17-24 are allowable for the purposes of appeal.

Accordingly, Applicants respectfully request that this amendment be entered and that a Notice of Allowability be issued for all the pending claims.

The Office is authorized to charge any deficiency or credit any overpayment associated

with the filing of this application to Deposit Account 50-2752.

Finally, please contact the undersigned if there are any questions regarding this Amendment or the application in general.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Myers, Jr.", with a stylized flourish at the end.

Richard S. Myers, Jr.  
Registration No. 42,022  
STITES & HARBISON, PLLC  
401 Commerce Street, Suite 800  
Nashville, TN 37219  
(615) 244-5200  
ATTORNEY FOR APPLICANT